

REMARKS

This application has been reviewed in light of the Office Action dated January 14, 2008. Claims 1-7, 9-16, and 18-28 remain pending in this application. Claims 25, 26, and 28 have been amended to define more clearly what Applicants regard as their invention. Claims 1 and 10 are in independent form. Favorable reconsideration is requested.

Claims 25 and 26 were objected to for formal reasons. Those claims have been amended as required by the Examiner. Accordingly, withdrawal of the objection is respectfully requested.

Claim 28 was rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Claim 28 has been amended to recite a computer-readable medium storing a computer program. Accordingly, withdrawal of the Section 101 rejection is respectfully requested.

Claims 1, 6, 9, 10, 15, 18, 20, 21, 23-26, and 28 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent Application Publication No. US 2004/0008897 to Easwar in view of U.S. Patent No. 5,847,771 to Cloutier; Claims 3, 4, 12, and 13, as being obvious from Easwar and Cloutier in view of U.S. Patent No. 6,671,454 to Kaneko; Claims 5 and 14, as being obvious from Easwar, Cloutier, and Kaneko, and further in view of U.S. Patent No. 5,675,789 to Ishii; Claims 7 and 16, as being obvious from Easwar and Cloutier, and further in view of U.S. Patent No. 6,987,890 to Joshi; Claim 19, as being obvious from Easwar and Cloutier, and further in view of U.S. Patent No. 6,236,759 to Horie; Claim 22, as being obvious from Easwar and Cloutier, and further

in view of U.S. Patent Application Publication No. US 2002/0116533 to Holliman; Claim 27, as being obvious from Easwar and Cloutier, and further in view of U.S. Patent No. 6,721,001 to Berstis. It is noted that the above rejections (the “Part A” rejections) apply to the versions of Claims 3-9 as dependent from Claim 1; Claims 12-19 as dependent from Claim 10; and Claims 20-28 with respect to Claims 1 or 10 as appropriate.

Claims 2 and 11 were rejected under 35 U.S.C. § 103(a) as being obvious from Easwar, Cloutier, and U.S. Patent No. 6,407,680. It is noted that this rejection (the “Part B” rejection) applies to the versions of Claims 3-7 and 9 as dependent from Claim 2; Claims 12-16, 18, and 19 as dependent from Claim 11; and Claims 20-27 with respect to Claims 2 or 11 as appropriate.

Applicants submit that independent Claims 1 and 10, together with the remaining claims dependent therefrom, are patentably distinct from the cited prior art for at least the following reasons.

Claim 1 is directed to a method of transcoding digital data coded according to a first coding mode into digital data coded according to a second coding mode. The method includes detecting an inactivity of resources useful for the transcoding, and transcoding the digital data coded according to the first coding mode into the digital data coded according to the second coding mode, when the inactivity is detected. The second coding mode is a coding according to which data is coded by an amplitude curve

representing the amplitude of the data along a path amongst the data. See, e.g., the present specification, at page 4, lines 1-4, and page 9, lines 9-16.^{1/}

Easwar, as understood by Applicants, relates to compression of DCT compressed images. Fig. 3, cited in the Office Action, shows an environment 300 including an imaging device 310, and Fig. 4B, also cited in the Office Action, is a high-level block diagram illustrating the high level operations or processes involved in transcoding a JPEG image.

Cloutier, as understood by Applicants, relates to a digital entertainment terminal providing multiple digital pictures, in which two MPEG-encoded digital data streams are simultaneously decoded in a digital entertainment terminal to provide Picture-in-Picture (PIP) and Picture-on-Picture (POP) capabilities for a conventional television. Fig. 5, cited in the Office Action, is a block diagram of the digital entertainment terminal, and Fig. 9, cited in the Office Action, is a time sequence diagram illustrating dual-video processing by an MPEG decoder.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. M.P.E.P. § 2143.

^{1/}It is of course to be understood that the references to various portions of the present application are by way of illustration and example only, and that the claims are not limited by the details shown in the portions referred to.

In the Amendment dated October 1, 2007, Applicants submitted the following at page 15:

The technical teachings of Cloutier as to performing an operation during idle intervals of a processor can only relate therefore to a “*secondary*” operation, but do not imply that any operation could be made during idle intervals of a processor, as presumed by the Examiner.

The teachings of Cloutier cannot therefore obviously apply to a transcoding operation, as discussed for instance in Easwar where the transcoding operation is the main object of the description, thus not a secondary operation.

At page 3 of the Office Action, the Examiner states, in response:

However, “main” and “secondary” are subjective terms (a main object to someone at some time may be secondary to other person at another time) and in any event claims 1 and 10 do not include a limitation that requires transcoding to be the main object. Therefore the argument is not persuasive.

However, Applicants argue that there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine Easwar and Cloutier. The discussion in Cloutier that the decoding performed during idle intervals is the “secondary” operation is therefore not only a relative wording, but forms an integral part of the what is discussed in Cloutier.

Applicants respectfully submit that the Examiner’s assertion that “a main object to someone at some time may be secondary to other person at another time” is not on point: the question is not what “main” may mean to several persons, but only what “main” means to a person having ordinary skill in the art.

Furthermore, as the discussions of Cloutier relate to a secondary operation, Applicant submits that it would not have been obvious to a person having ordinary skill in the art to use a secondary operation in the context of Easwar, where transcoding is the main operation. Therefore, the relevant inquiry here is not whether Claim 1 recites that transcoding is the main operation; the point is that transcoding is the main operation according to Easwar. Thus, it is submitted that there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine Easwar and Cloutier.

For all the foregoing reasons, Applicants submit that a *prima facie* case of obviousness has not been established.

Accordingly, Claim 1 is seen to be clearly allowable over Easwar and Cloutier, whether considered either separately or in any permissible combination (if any).

Independent Claim 10 recites features similar to those discussed above with respect to Claim 1 and therefore is also believed to be patentable over Easwar and Cloutier for the reasons discussed above.

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from Claim 1 or Claim 10 discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention,

however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

This Amendment After Final Action is believed clearly to place this application in condition for allowance and its entry is therefore believed proper under 37 C.F.R. § 1.116. Accordingly, entry of this Amendment After Final Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, the Examiner is respectfully requested to contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. DiPerna', is written over a horizontal line.

Raymond A. DiPerna
Attorney for Applicants
Registration No.: 44,063

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200